#G/Plyricate 1001.1010 malf PATENT 3/24/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cesar Z. LINA et a

Serial No.: 08/951,832

Filed: October 16, 1997

Title: WOUND THERAPY DEVICE AND

RELATED METHODS

Group Art Unit: 3761

Examiner: RUHL, D.

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INFORMATION DISCLOSURE STATEMENT

Box CPA Assistant Comm'r for Patents Washington, D.C. 20231

Sir:

In compliance with Applicant's duty of candor and good faith, under 37 CFR §1.56, the Examiner is requested to consider the following references and related information, submitted in accordance with 37 CFR §1.97, and thereafter make this entire disclosure "of record" in the file wrapper of the above-captioned application. A Form PTO-1449 is submitted herewith for the Examiner's convenience.

CF)	RTIFICATE OF MAILING I	BY "EXPRESS MAIL" (37 CFR §1.10)		
J	CIM TOTALE OF THE MENTO	or errigino,		
"C NA-:122 NA-:11 T	-1-1 N DI 752225005110	Data of Danasit, January 20, 2001		
"Express Mail" Mailing Label No.: EL752325995US		Date of Deposit: January 29, 2001		
I hereby certify t	hat this naper or fee is being	deposited with the United States Postal Service "Express Mail		
Post Office to Addressee" service, under 37 CFR §1.10, on the date indicated above and is addressed to				
Assistant Commissioner for Patents, Washington, D.C. 20231.				
Assistant Commissioner i	or Patents, wasnington, D.C.	. 20231.		
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1/20/2	$\langle \ \rangle_{\Lambda} \langle \rangle$			
1/25/201		Jeffery A. Roussin		
Date:	C: 4 CD / 1(1)			
Date; \	Signature of Person Mailing	Printed Name of Person Mailing		

TIMELINESS OF STATEMENT

[X]	This statement is timely under 37 CFR §1.97(b) as having been filed:	
	[X]	within three months of the filing date of the application. 37 CFR §1.97(b)(1).
	[]	within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 in an international application. 37 CFR §1.97(b)(2).
	[.]	before the mailing date of a first office action on the merits. 37 CFR §1.97(b)(3).
[]	37 CFF	atement is timely under 37 CFR §1.97(c) as having been filed after the period specified in R §1.97(b) but before the mailing date of either a final action under 37 CFR §1.113 or a of allowance under 37 CFR §1.311 and accompanied by:
	[]	a statement under 37 CFR §1.97(e), made herein below. 37 CFR §1.97(c)(1).
	[]	the fee set forth in 37 CFR §1.17(p). 37 CFR §1.97(c)(2). Although Applicant has at no time intended to deceive the Office, Applicant was nonetheless possessed of at least some item of information contained in this Information Disclosure Statement prior to the mailing date of a first office action on the merits. Further examination may be required in light of this information. To the extent that Applicant's failure to earlier disclose any item of information so possessed may be considered error, Applicant now admits error and hereby respectfully requests that disclosure at this time and payment of the requisite fee be accepted by the Office in cure thereof. See Rohm & Haas Co. v. Crystal Chem. Co., 772 F.2d 1556, 1572 (Fed. Cir. 1983), later proceeding, 736 F.2d 688 (Fed. Cir. 1984) (outlining procedure for cure of inequitable conduct during original prosecution).
[]	37 CFF under	atement is timely under 37 CFR §1.97(d) as having been filed after the period specified in R §1.97(c) but on or before payment of the issue fee and accompanied by (1) a statement 37 CFR §1.97(e), made herein below; (2) a petition requesting consideration of this ation Disclosure Statement; and (3) the petition fee set forth in 37 CFR §1.17(i).
		STATEMENT UNDER 37 CFR §1.97(e)
[]	commu	tem of information contained in this Information Disclosure Statement was cited in a mication from a foreign patent office in a counterpart foreign application not more than nonths prior to the filing hereof. 37 CFR §1.97(e)(1).
[]	knowle designa	of information contained in this Information Disclosure Statement was cited in a sinication from a foreign patent office in a counterpart foreign application or, to the dge of the undersigned after having made reasonable inquiry, was known to any individual atted in 37 CFR §1.56(c) more than three months prior to the filing hereof. It §1.97(e)(2).

DISCLOSURE OF REFERENCES AND RELATED INFORMATION

Although disclosed, nothing herein is intended as an admission of the character of any reference, or related information, as "prior art" to the invention of the above-captioned application or as being material to the examination of the same. Disclosure at this time is only intended to establish an incontrovertible showing of Applicant's full candor and good faith; under no circumstance should disclosure herein imply "materiality to patentability" as defined in 37 CFR §1.56(b).

In compliance with Applicant's duty, those references listed on the accompanying Form PTO-1449 are now disclosed. It is noted that German reference 847,475 is in the German language. Applicant is not believed to be in possession of an English translation of this reference, but it may be relevant inasmuch as the drawing figures appear to show a suction device (see figure 1) in communication with what may be a wound surface (see remaining figures).

All of the references and related information herein above disclosed are believed to be related at least to the broad field of art to which the invention of the present application pertains, although some references may be more pertinent than others. Although disclosed, nothing herein is intended as an admission of the character of any reference as prior art or as being analogous or pertinent to the invention of the above-captioned application; rather, disclosure is now made based upon the relevance apparent with the benefit of the hindsight provided by Applicant's own specification. In any case, Applicant respectfully requests that the Examiner make careful consideration of all that is disclosed for whatever relevance may actually exist.

REQUISITE FEE

[]	A check in the amount of \$ *** is enclosed herewith.
[]	Please charge Deposit Account No. 50-0489 in the amount of \$ ***. A COPY OF THIS INFORMATION DISCLOSURE STATEMENT IS ATTACHED.
[]	The Commissioner has been authorized to charge the requisite fee of \$*** to Deposit Account

GENERAL AUTHORIZATION TO CHARGE FEES: The Commissioner is hereby authorized to charge any additional fee as may be required under 37 CFR §§1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

Respectfully submitted,

No. 50-0489.

[X]

Dated: 01/29/2001

No fee is required with this filing.

WAYNE J. COLTON, INC. The Milam Building Suite 1032 115 East Travis Street San Antonio, Texas 78205

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